

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 963

Introduced by Assembly Member Ammiano

February 26, 2009

An act to add ~~Sections 14012.6, 14012.7, and 14012.8~~ *Section 14012.6* to the Welfare and Institutions Code, relating to ~~Medi-Cal~~ *public social services*.

LEGISLATIVE COUNSEL'S DIGEST

AB 963, as amended, Ammiano. ~~Medi-Cal eligibility. Public Social services: renewal and recertification of eligibility.~~

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements, including, but not limited to, the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care benefits. Existing law also provides for the Food Stamp Program, under which food stamps are allocated by each county in accordance with federal requirements, and the CalWORKs program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Under existing law, the Food Stamp Program and the CalWORKs program are administered at the state level by the State Department of Social Services.

Existing law requires recipients of Medi-Cal, Food Stamp, and CalWORKs benefits to, on a specified basis, renew or recertify their eligibility.

This bill would require the State Department of Health Care Services, in consultation with counties, the State Department of Social Services, representatives of the Statewide Automated Welfare System (SAWS) consortia, consumers, and other affected stakeholder groups to conduct a stakeholder planning workgroup to develop a joint renewal and recertification form to be used by individuals and families who are recipients of one or more of the Medi-Cal, Food Stamp, or CalWORKs benefit programs. This bill would require the stakeholder planning workgroup to develop the renewal and recertification form, and any related policies and procedures, no later than July 1, 2011. By modifying the Medi-Cal, Food Stamp, and CalWORKs eligibility renewal and recertification processes, this bill would increase the responsibilities of the counties in the administration of the Medi-Cal, Food Stamp, and CalWORKs programs, thereby imposing a state-mandated local program.

This bill would require the department to implement this measure by all-county letters or similar instructions on or before January 1, 2012. After implementation by all-county letters or similar instructions, the department would be required to adopt comprehensive implementing regulations, as specified, on or before July 1, 2012.

~~This bill would require the department, in consultation with the State Department of Social Services, counties, representatives from the Statewide Automated Welfare System (SAWS) consortia, consumer advocates, and other stakeholder groups to make necessary technological and policy changes to update the data sharing, computer programming, and administrative procedures, as provided, to ensure the continuation of Medi-Cal benefits when a beneficiary reports a change in circumstances to the Food Stamp Program or the CalWORKs program that would continue Medi-Cal eligibility. The bill would declare these provisions to be declaratory of existing law.~~

~~This bill would provide that a beneficiary who completes a periodic report or annual renewal form in the CalWORKs program or Food Stamp Program shall be deemed to have met the requirements to return and sign a periodic report or annual form for the next scheduled period in the Medi-Cal program. The bill would provide that if information a beneficiary submits in the CalWORKs program or Food Stamp Program periodic reporting or annual renewal process is sufficient to continue~~

~~Medi-Cal eligibility, the county shall deem the beneficiary to have met the Medi-Cal annual redetermination requirement.~~

~~This bill would provide that an individual or family that submits and signs a Food Stamp Program application through any method accepted by the Food Stamp Program shall be deemed to have met the requirement to submit and sign a Medi-Cal application. The bill would provide that if the information an applicant submits in the Food Stamp Program application is sufficient to establish Medi-Cal eligibility, the county shall enroll the applicant into the Medi-Cal program. The bill would require the department to develop a procedure to, among other things, give applicants the opportunity to opt out of being enrolled in the Medi-Cal program based on information given in his or her Food Stamp Program application. By modifying the Medi-Cal eligibility determination process, this bill would increase the responsibilities of the counties in the administration of the Medi-Cal program, thereby imposing a state-mandated local program.~~

~~The bill would require the department to issue comprehensive implementing instructions for policies and procedures, as specified, for the aforementioned provisions, on or before March 1, 2011.~~

~~This bill would require the department to establish procedures and guidelines for prepopulated renewal forms for all potential and current Medi-Cal beneficiaries. The prepopulated renewal form and procedures would be used for all beneficiaries whose Medi-Cal renewal is not accomplished pursuant to the renewal procedures established pursuant to this bill. The bill would require the procedures and guidelines to include a timeline for phasing in the prepopulated renewal forms statewide, beginning January 2011, and fully phasing in the prepopulated renewal forms by January 2012.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.~~

The people of the State of California do enact as follows:

SECTION 1. Section 14012.6 is added to the Welfare and Institutions Code, to read:

14012.6. (a) ~~(1)~~ The department, in consultation with *counties*, the State Department of Social Services, ~~counties~~, representatives ~~from~~ of the Statewide Automated Welfare System (SAWS) consortia, ~~consumer advocates~~ *consumers*, and other *affected* stakeholder groups, shall ~~make all necessary technological and policy changes to update data sharing, computer programming, and administrative procedures, to ensure that Medi-Cal is continued when a Medi-Cal beneficiary reports a change in circumstances to the Food Stamp Program or the CalWORKs program that would continue Medi-Cal eligibility.~~ *conduct a stakeholder planning workgroup to develop a joint renewal and recertification form to be used by individuals and families who are recipients of one or more of the Medi-Cal, Food Stamp, or CalWORKs benefits programs. The workgroup shall include consumer advocates with expertise in each of the Medi-Cal, Food Stamp, and CalWORKs programs.*

(b) The stakeholder planning workgroup shall develop the joint renewal and recertification form, and any related policies and procedures, for adoption by the department, the counties, the State Department of Social Services, and the SAWS consortia, no later than July 1, 2011. In developing the form, policies, and procedures the stakeholder planning workgroup shall do all of the following:

(1) Determine which questions and documentation requests on existing renewal and recertification forms are necessary and eliminate any requests for information or documentation that are duplicative.

(2) Develop the joint renewal and recertification form to allow recipients to skip sections on the form if they are not enrolled in, or do not want to be evaluated for, one or more of the benefit programs.

(3) Develop the forms, policies, and procedures to be used for both paper and electronic renewal and recertification.

(4) Maximize use of shared technology and information to minimize burdens on recipients and county eligibility staff, and assist families in a consumer friendly renewal and recertification process.

1 (5) *Align renewal and recertification dates for recipients without*
2 *requiring the recipients to lose any benefits earlier than they*
3 *otherwise would have in the initial alignment year.*

4 (6) *Establish appropriate procedures and safeguards for data*
5 *and information sharing pursuant to this section that meet the*
6 *confidentiality and privacy requirements of the Medi-Cal, Food*
7 *Stamp, and CalWORKs programs but do not require additional*
8 *consent from the recipients.*

9 (7) *Give priority to the program changes necessary to enable*
10 *the SAWS consortia to automate the renewal and recertification*
11 *procedure, maximize the use of available information, and minimize*
12 *manual workload.*

13 (8) *Ensure that recipients experience no disruption in coverage*
14 *or diminution of their rights under this chapter.*

15 (9) *Consider any additional modifications that could be made*
16 *to the renewal and recertification procedures to minimize burdens*
17 *on the recipients and encourage retention of Medi-Cal, Food*
18 *Stamp, and CalWORKs benefits. Additional modifications to be*
19 *considered shall include, but not be limited to, those permitted*
20 *under federal law, including those permitted through a waiver;*
21 *such as electronic and telephonic renewal methods, prepopulated*
22 *forms, elimination of interview requirements, and electronic*
23 *verifications.*

24 (10) *Consider any changes that may be needed under federal*
25 *health reform, any guidance provided by the United States*
26 *Department of Agriculture, and any other changes that may be*
27 *needed in federal law or policy that would ensure a smooth*
28 *transition to the use of the joint renewal and recertification form.*

29 (c) *The department, in consultation with the State Department*
30 *of Social Services, shall obtain funding only from private sources*
31 *to finance the stakeholder workgroup.*

32 (d) *This section shall be implemented by all-county letters or*
33 *similar instructions no later than January 1, 2012. After*
34 *implementation by all-county letters or similar instructions, the*
35 *department shall adopt comprehensive implementing regulations*
36 *in accordance with the requirements of Chapter 3.5 (commencing*
37 *with Section 11340) of Part 1 of Division 3 of Title 2 of the*
38 *Government Code. Regulations shall be issued no later than July*
39 *1, 2012.*

~~(2) Nothing in this section shall increase the frequency of the reporting requirements in the Medi-Cal program or amend the counties' obligation to redetermine Medi-Cal eligibility and follow all due process requirements prior to terminating Medi-Cal benefits.~~

~~(3) A beneficiary's failure to complete a periodic report or annual renewal requirement in the CalWORKs program or Food Stamp Program shall not result in termination or redetermination of Medi-Cal eligibility.~~

~~(4) This subdivision is declaratory of existing law. Implementation of this subdivision shall not be delayed in order to implement the other provisions of this section.~~

~~(b) A beneficiary who completes a periodic report or annual renewal form in the CalWORKs program or Food Stamp Program shall be deemed to have met the requirement to return and sign a periodic report or annual renewal form for the next scheduled period in the Medi-Cal program.~~

~~(c) If information a beneficiary submits in the CalWORKs program or Food Stamp Program periodic reporting or annual renewal process is sufficient to continue Medi-Cal eligibility, the county shall deem the beneficiary to have met the Medi-Cal annual redetermination requirement in Section 14012. These Medi-Cal beneficiaries shall have their eligibility continued for the greatest period of time allowed under this chapter and all scheduled renewal dates or reporting dates, if any, shall be reset accordingly from the date of redetermination. Nothing in this section affects a beneficiary's responsibility to report changes to the county that affect Medi-Cal eligibility within 10 days of their occurrence.~~

~~(d) The procedures described in this section shall be conducted by electronic means to the greatest extent possible and shall be developed according to subdivision (g).~~

~~(e) The information shared pursuant to this section shall not be used for any other purposes except as set out in this section.~~

~~(f) This section shall supplement, not supplant, the requirements already in effect pursuant to subdivision (c) of Section 14005.37.~~

~~(g) The department, in conjunction with counties, the State Department of Social Services, and representatives of the SAWS consortia, consumers, and other affected stakeholder groups, shall conduct a planning process and develop administrative enrollment and renewal policies and procedures, to be implemented by all-county letters or similar instructions. After implementation by~~

1 all-county letters or similar instructions, the department shall adopt
2 regulations in accordance with the requirements of Chapter 3.5
3 (commencing with Section 11340) of Part 1 of Division 3 of Title
4 2 of the Government Code. Comprehensive implementing
5 instructions shall be issued no later than March 1, 2011. The
6 policies and procedures shall do all of the following:

7 (1) Establish appropriate data-sharing procedures and safeguards
8 that do not require any additional consent from beneficiaries for
9 the information sharing pursuant to this section and that meet
10 confidentiality and privacy requirements in the Medi-Cal program.

11 (2) Give priority to the programming changes necessary to
12 enable the SAWS consortia to automate this enrollment and
13 renewal procedure in order to minimize manual workload.

14 (3) Develop procedural protections to ensure that beneficiaries
15 experience no disruption in coverage and no diminution of their
16 rights under this chapter.

17 SEC. 2. Section 14012.7 is added to the Welfare and
18 Institutions Code, to read:

19 14012.7. (a) An individual or family that submits and signs a
20 Food Stamp Program application through any method accepted
21 by the Food Stamp Program shall be deemed to have met the
22 requirement to submit and sign a Medi-Cal application.

23 (b) If information an applicant submits in the Food Stamp
24 Program application is sufficient to establish Medi-Cal eligibility,
25 the county shall enroll the applicant into the Medi-Cal program.

26 (c) For an applicant who is not enrolled into the Medi-Cal
27 program based upon information provided in his or her Food Stamp
28 Program application, the county shall make every reasonable effort
29 to gather information available to the county that is relevant to the
30 applicant's Medi-Cal eligibility prior to contacting the applicant.
31 The county shall follow the same process used for redeterminations
32 of eligibility described in subdivisions (e) to (g), inclusive, of
33 Section 14005.37 to attempt to establish Medi-Cal eligibility.

34 (d) All Medi-Cal applicants whose Medi-Cal eligibility is
35 established pursuant to this section shall have their eligibility
36 established for the greatest period of time allowed under this
37 chapter and all scheduled renewal dates or reporting dates, if any,
38 shall be set accordingly from the date the Medi-Cal applicant
39 submits his or her Food Stamp Program application. Nothing in
40 this section affects a beneficiary's responsibility to report changes

1 to the county that affect Medi-Cal eligibility within 10 days of
2 their occurrence.

3 (e) ~~The procedures described in this section shall be conducted~~
4 ~~by electronic means to the greatest extent possible and shall be~~
5 ~~developed according to subdivision (h).~~

6 (f) ~~The information shared pursuant to this section shall not be~~
7 ~~used for any other purposes except as set out in this section.~~

8 (g) ~~This section shall supplement, not supplant, the requirements~~
9 ~~already in effect pursuant to subdivision (e) of Section 14005.37.~~

10 (h) ~~The department, in conjunction with counties, the State~~
11 ~~Department of Social Services, and representatives of the SAWS~~
12 ~~consortia, consumers, and other affected stakeholder groups, shall~~
13 ~~conduct a planning process and develop administrative enrollment~~
14 ~~and renewal policies and procedures, to be implemented by~~
15 ~~all-county letters or similar instructions. After implementation by~~
16 ~~all-county letters or similar instructions, the department shall adopt~~
17 ~~regulations in accordance with the requirements of Chapter 3.5~~
18 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
19 ~~2 of the Government Code. Comprehensive implementing~~
20 ~~instructions shall be issued no later than March 1, 2011. The~~
21 ~~policies and procedures shall do all of the following:~~

22 (1) ~~Establish appropriate data sharing procedures and safeguards~~
23 ~~that do not require any additional consent from applicants for the~~
24 ~~information sharing pursuant to this section and that meet~~
25 ~~confidentiality and privacy requirements in the Medi-Cal program.~~

26 (2) ~~Give priority to the programming changes necessary to~~
27 ~~enable the SAWS consortia to automate this application and~~
28 ~~enrollment procedure in order to minimize manual workload.~~

29 (3) ~~Develop procedural protections to ensure that applicants~~
30 ~~experience no delay in coverage and no diminution of their rights~~
31 ~~under this chapter.~~

32 (4) ~~Develop a procedure whereby applicants for benefits under~~
33 ~~the Food Stamp Program are informed about the benefits of the~~
34 ~~Medi-Cal program and are given an opportunity to opt out of~~
35 ~~Medi-Cal enrollment, as described in subdivision (b). The opt out~~
36 ~~procedure shall be minimally burdensome to the applicant. The~~
37 ~~county shall presume the applicant wants to be enrolled in the~~
38 ~~Medi-Cal program unless the applicant expressly opts out verbally,~~
39 ~~in writing, or electronically, and the county documents the opt out~~
40 ~~in the case file.~~

1 ~~SEC. 3. Section 14012.8 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~

3 ~~14012.8. (a) The department, in conjunction with counties and~~
4 ~~representatives of the Statewide Automated Welfare System~~
5 ~~(SAWS) consortia, consumers, and other affected stakeholder~~
6 ~~groups, shall establish procedures and guidelines for prepopulated~~
7 ~~renewal forms for all potential and current Medi-Cal beneficiaries.~~

8 ~~(b) The prepopulated renewal form and procedures shall be used~~
9 ~~for all beneficiaries whose Medi-Cal renewal is not accomplished~~
10 ~~through the renewal procedures set forth in Sections 14012.6 and~~
11 ~~14012.7. Periodic reporting forms, if any, shall also be created in~~
12 ~~accordance with this subdivision.~~

13 ~~(c) The department shall use the prepopulated renewal form as~~
14 ~~the annual reaffirmation form required under Section 14012.~~

15 ~~(d) The procedures and guidelines established pursuant to this~~
16 ~~section shall include a timeline for phasing in the prepopulated~~
17 ~~renewal forms statewide, beginning in January 2011, and fully~~
18 ~~phasing in the prepopulated renewal forms by January 2012.~~

19 ~~SEC. 4.~~

20 ~~SEC. 2. If the Commission on State Mandates determines that~~
21 ~~this act contains costs mandated by the state, reimbursement to~~
22 ~~local agencies and school districts for those costs shall be made~~
23 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
24 ~~4 of Title 2 of the Government Code.~~